OGC 69-2213

26 November 1969

MEMORANDUM FOR: Director of Personnel

SUBJECT: Foreign Divorce Decrees: Consequences and Problems Confronting Agency Employees

1. Your comments are solicited with regard to the questions, suggested answers and proposals set forth herein.

2. A divorce decree issued by a foreign country is not entitled to full faith and credit under the U. S. Constitution. Its validity must stand on the international principle of comity between friendly nations. Comity looks to the moral necessity to do justice, so that justice may be done in return. Under this principle, the courts of a U. S. forum will recognize the foreign decree if satisfied that the foreign court had jurisdiction over the parties or the subject matter, and provided further that recognizing the decree, or the procuring of the same, does not violate the forum's public policy. The "public policy" of a state is to be found in the law of the state, whether found in its constitution, statutes or judicial decisions.

3. The Mexican divorce, because it has been the subject of considerable subsequent litigation, has made most lawyers cognizant of the problems raised by foreign divorce decrees. For this reason and because of past and current problems before this office involving Mexican divorces, the following commentary treats with the consequences of such divorces with specific reference to their applicability to employees of this Agency.

4. The term "Mexican divorce," is generally understood to include a decree procured by any one of the following three methods:

The first method hereinafter termed the "Bi-party Divorce" is one in which the plaintiff personally appears in Mexico and where the defendant appears either in person in Mexico or through an attorney, duly appointed by the defendant to appear in the action for him or her.

Next is the so-called "Mail Order Divorce" in which either one or both parties appear in the action, but neither party is physically present in Mexico at any time. The parties appear through attorneys, whom they appoint by mail, and in due course receive a decree from Mexico, also by mail.

The third method is the so-called "One-Party Divorce" where the plaintiff appears personally in Mexico, institutes an action for divorce and where the defendant does not appear in person or through an attorney, but is given notice of the proceeding by personal service or by publication in the United States.

5. It can be stated unequivocally that the "mail order divorce" is not recognized by any American jurisdiction. The cases holding such a divorce void from the beginning, not just voidable, are legion. See Mexican Divorce - A Survey, 33 Fordham L. Rev. 449 (1965); 27B C.J.S. Divorce sec. 352. The overwhelming majority of states having ruled on the validity of the "one-party divorce" have held the decrees to be invalid. The rare exceptions are those cases where there are extenuating circumstances--usually where the subsequent "marriage" has been in existence and uncontested for many years and there are children. Even these circumstances have not proved sufficient to prevent some courts from invalidating the Mexican decree. Lastly, even the "bi-party divorce" has been invalidated by some states having ruled on them. In some cases one of the parties to the divorce has not been estopped from subsequently contesting the decree. New York appears to be the most notable exception, generally recognizing the validity of the "bi-party" Mexican divorce. Rosenstiel v. Rosenstiel, 16 N.Y. 2d 64, 209 N.E. 2d 709, 262 N.Y.S. 2d 86 (1965), cert. denied, 384 U.S. 971 (1966). Subsequent to the Rosenstiel case, however, New York enacted a statute liberalizing the grounds for obtaining a divorce through the New York courts (N. Y. Domestic Relations Law Section 170, effective September 1, 1967), placing a cloud upon the Rosenstiel decision.

According to some legal writers it is impossible to foresee the effect of the new divorce statute on future cases involving basically the same facts as Rosenstiel. For citations and a thorough discussion of the relevant cases supporting the statements of this paragraph, see Mexicans For A Day: The Consequences Of A Mexican Divorce, Air Force JAG Law Review, Vol. X, No. 4, page 23 (July-August 1968).

6. From the foregoing, it can readily be seen why subsequent litigation contesting the Mexican divorce is not only possible but quite probable. This litigation can arise not only during the lifetime of the parties to the divorce, but particularly upon the death of either party when determining the lawful heirs and legatees to the decedent's estate. The following examples provide a sampling of the type of plaintiffs who have in the past initiated such subsequent litigation and the nature of it: The spouse who obtained the Mexican decree has in some courts been successful in subsequently having the foreign decree declared void. More often the defendant spouse in the divorce action is the plaintiff in subsequent litigation to have it set aside, even in those cases where he or she appeared and consented in the Mexican decree. This litigation often takes the form of a new "divorce action" in the appropriate U. S. forum and, in cases where the other spouse has remarried relying upon the Mexican decree, the grounds for the new divorce action might be "adultery." If the defendant spouse in the Mexican decree has not subsequently obtained a valid U. S. divorce before the death of the other party to the decree, he or she might contest the divorce in order to share in the decedent's estate as the lawful spouse. Children of the marriage dissolved by a Mexican decree have also contested the decree. The plaintiff in one case sought to annul his marriage on the basis that his spouse's previous marriage was still in effect as it was not dissolved by the Mexican decree. In another case the plaintiff sought custody of his children from his former spouse on the grounds that she had subsequently married a man who had obtained a Mexican divorce to dissolve his prior marriage, and therefore the former spouse was living in adultery and an unfit mother. Last but not least, at the persuasion of a defendant spouse in a Mexican divorce, there is the possibility, even though improbable, of a state prosecuting as a bigamist the other spouse who has married relying upon the Mexican decree.

7. In addition to the potential prosecution and litigation problems already enumerated, the Agency employee who is a party to a Mexican divorce and subsequently remarries is confronted with serious problems affecting his or her entitlement to various government benefits while living and also the distribution of benefits in the event of his or her death.

8. The Comptroller General has repeatedly held that the federal Government is not estopped from challenging the validity of a foreign divorce decree when its interests might be adversely affected. 36 Comp. Gen 121 (1956); 44 Comp. Gen. 485 (1965); 45 Comp. Gen. 155 (1965). In an opinion rendered 16 June 1969, B-166987, the Comptroller General stated:

> Also, it is a well established rule of the accounting officers of the Government that they will not allow a claim against the United States if there is substantial basis for doubt that a court of competent jurisdiction would allow the claim. See Longwill v. United States, 17 Ct. Cl. 788 (1881) and Charles v. United States, 19 Ct. Cl. 316 (1884).

More specifically, the Comptroller General (B-164737, 1 August 1968) has said:

> Thus as a general rule, we have held that, where the validity of a second marriage is dependent upon dissolution of the first marriage by a divorce decree of a Mexican Court and such divorce has not been recognized by a court of competent jurisdiction in the United States, the marital status of the parties is of too doubtful legality for us to approve increased allowances on account of such marital relationship. Compare 45 Comp. Gen. 155 (1965) and 47 Comp. Gen. 286 (1967). (Emphasis added.)

9. Therefore, in numerous decisions the Comptroller General has consistently held that until a U. S. court determines the validity of the particular Mexican divorce decree, a subsequent marriage is of too doubtful legality to permit the Government to approve increased allowances on account of such marital relationship. These cases have involved en-

titlement to increased rental and subsistence allowances, basic allowances for quarters, and death gratuities for a surviving spouse. While all these cases involve military personnel, there is ample language to the effect that the holdings need not be restricted solely to such personnel. More importantly, these decisions have been the same whether the Mexican divorce was of the "mail order" (B-164737, 1 August 1968), "one-party" (45 Comp. Gen. 155 (1965)), or "bi-party" (36 Comp. Gen. 121 (1956)) variety. Further, even in the case of a "bi-party" decree obtained by domiciliaries of New York, the Comptroller General has said that after September 1, 1967, because of the uncertainty of section 250 added to the Domestic Relations Law of New York, the Rosenstiel case no longer will be viewed as constituting a judicial determination of the validity of a Mexican divorce. 47 Comp. Gen. 286 (1967).

10. As to the question of a U. S. court determining the validity of the particular Mexican divorce, the Comptroller General has recognized that a state court would not grant a declaratory judgment on the validity of the divorce, and therefore has advised the interested parties of their right to have their entitlement to increased allowances on account of a lawful spouse litigated in the Court of Claims of the United States and the United States District Courts pursuant to 28 U.S.C. 1346(2) and 1491. 36 Comp. Gen. 121 (1956), B-166987, 16 June 1969.

11. Inasmuch as the basis for granting differentials and allowances to Agency employees is set forth in the Standardized Regulations (Government Civilians, Foreign Areas) issued by the Department of State, the undersigned discussed this problem with Edward J. Lyerly, Deputy Legal Advisor for Administration at the State Department. Lyerly advised that in the first instance, State makes a point of advising its personnel against obtaining foreign divorce decrees because of all the problems associated with them and therefore, the problem rarely comes up. He was well aware of the Comptroller General Decisions noted above and advised that were such a case to come before State's legal office for determination, those Decisions would be binding. However, Lyerly responded in the negative to the undersigned's question of whether State's personnel department or accounting officers are under directives to be on the lookout for foreign divorce decrees in requests for increased allowances on account of marital relationship, and where there is such an indication, to refer the matter to legal counsel for determination. Lyerly admitted that there probably are cases where the increased allowances are paid because there is no awareness of or no attempt to determine the existence of a Mexican divorce.

12. A number of questions arise as a consequence of the foregoing. Perhaps the Agency should take an affirmative step and advise its employees in a headquarters and field notice of the probable serious consequences of obtaining a foreign divorce decree and further advise against such action, thereby establishing Agency policy on the matter. After all, an existing legitimate concern of the Agency, because of security implications, is the avoidance by its employees of unnecessary litigation. Should the Agency require what the State Department apparently does not--that the Office of Personnel look for and be aware of foreign divorce decrees and when found, report the same to OGC for further determination? Perhaps the Agency, because of the very fact of the added security problem, should require this type of scrutiny. In any event, in those cases where the foreign decree is a known fact and the matter presented to this office for determination, the Comptroller General Decisions cited above are binding. On the other hand, are there overriding security factors which would permit us in certain situations to vary from those Decisions? For example, as indicated above, where the Mexican divorce has not been contested by the parties having standing to do so and the employee cannot obtain a declaratory judgment from a state court, the only recourse left to the employee is to seek relief in the U. S. Court of Claims or U. S. District Court. Assuming the employee is

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13. The next problem area involves the distribution of death benefits of a deceased employee who remarried after a Mexican divorce. The Comptroller General in B-166987, 16 June 1969 disallowed a claim for six months' death gratuity as surviving spouse of decedent. The decedent's previous marriage had been dissolved by a Mexican divorce granted to his former wife. As in the cases previously cited, the Comptroller General said:

> Eligibility of survivors to receive the six months' death gratuity is governed by 10 U.S.C. 1447. That section

> (so far as applicable here) provides that such gratuity shall be paid to or for the living survivor highest on the following list: (1) surviving spouse; (2) children (including stepchildren who were part of the decedent's household at the time of his death), in equal shares; and (3) certain persons (including his parents) if designated by him.
>
> Since you claim the gratuity as surviving spouse it must be established that a valid marriage existed between you and the decedent. It has long been held that where the validity of a second marriage is dependent upon the dissolution of the first marriage by a divorce decree of a Mexican court which has not been recognized by a court of competent jurisdiction in the United States, the validity of the marital status of the parties is too doubtful to justify approval by this Office of payment of an allowance such as here involved.

It is important to note, that the decision does not discuss the type of Mexican divorce obtained. Apparently, as in the other cases, the "type" decree was not a relevant factor in the decision.

14. From the foregoing it can be seen that subsequent litigation is probable. The question raised is who is the lawful "widow" or "surviving spouse" entitled to decedent-employee's death benefits? The following are instances in which this question is likely to arise.

15. Bureau of Employees' Compensation death benefits are payable first to "the widow who was living with or dependent for support upon the deceased employee at the time of his death," or "the widower who was dependent upon the deceased employee at the time of her death." While the language would seem to preclude the former spouse who was a party to the Mexican divorce unless there was continued support of said former spouse by the decedent, there is also doubt whether the current spouse is the lawful widow or widower. The claim for BEC compensation on account of death inquires not only as to the decedent's prior marriages, but when and how they were terminated. It would appear, therefore, that the claim itself would flag the fact of a Mexican divorce.

16. Under Social Security even a divorced wife can get widow's benefits under certain specified conditions and restrictions. If the legality of the divorce is disputed, a wife may be able to collect benefits without the specified conditions or restrictions if the courts of the state in which her husband lived would hold that the couple were still validly married. For example, a state may not recognize the validity of certain divorces obtained in Mexico. The wife whose husband lived in that state may collect benefits on her husband's record. Taken from J. K. Lasser Tax Institute, Your Social Security and Medicare Guide, Simon and Schuster, New York, 1968, p. 56.

17. An employee may designate any beneficiary he desires with regard to "unpaid compensation of a deceased civilian employee" and also insurance benefits under FEGLI, UBLIC and WAEPA. However, if there is no such designation, then as to the "unpaid compensation" the "surviving spouse" takes the benefits. In the case of FEGLI, the "widow or widower of the insured" takes the insurance benefits. The FEGLI claim elicits information concerning prior marriages of the decedent and how and when such marriages were terminated. In the case of UBLIC and WAEPA, the estate of the decedent receives the insurance benefits if there is no designated beneficiary. The estate of a decedent is distributed either by the will of decedent or if there is no will, pursuant to state statutory precedence which generally begins with the "surviving spouse" of decedent.

18. The application for death benefits under the Civil Service Retirement System elicits information concerning the decedent's prior marriages and how and when said marriages were terminated. Once again the question arises as to who is the lawful "widow" or "widower" for a survivor annuity? The same question arises under the CIA Retirement Act.

19. It would appear that the Comptroller General Decision noted above with respect to death benefits is binding upon the Agency in those cases where it administers or assists in administering the benefits. In the case of death benefits which can be substantial and unlike those cases involving increased allowances, it is more likely that there will be a dual claim for the decedent-employees' death benefits--that of the current spouse and that of the former spouse involved in the Mexican divorce.

20. An additional problem area arises when the employee, after obtaining a Mexican divorce, marries a foreign national. The first problem involves "immigration benefits" available to the foreign national spouse. The following is taken from Gordon and Rosenfield, Immigration Law and Procedure, Vol. I, Sec. 2.18 (1967):

> . . . In order to obtain exempt status, or to obtain other immigration benefits available to a 'spouse,' there must, of course, be a valid and subsisting marriage between the parties.
>
> . . . Another factor which may impair the legality of a marriage is the existence of legal impediments.... The situation is complicated, of course, when one of the parties has obtained a divorce of questionable soundness, such as a Mexican mail order divorce prior to his remarriage. The essential inquiry is whether the second marriage was regarded as lawful at the place of its celebration. If the answer is affirmative the marriage will be recognized for immigration purposes. The immigration authorities ordinarily will not question the validity of a divorce, whether granted in the United States or in a foreign country, where one of the parties was physically present within the court's jurisdiction. (Emphasis added.)

The marriage of an employee to a foreign national contracted in a foreign country is registered with the Consulate General at the U. S. Embassy. Lyerly, in the forementioned discussion with the undersigned, advised that this registration is for immigration purposes to assist in procuring the necessary documentation, and in no way purports to validate the Mexican divorce or subsequent marriage for any other purpose.

21. Only an alien who has been lawfully admitted to this country for permanent residence can be naturalized. Under the Immigration and Nationality Act of 1952, as amended (8 U.S.C. 1427), the alien-spouse could be naturalized five years after being admitted for permanent residence--i.e., five years of continuous residence (domicile) in the

United States, at least one-half of that time being physically present within the United States. The requirement of "good moral character" would probably not be a bar if the Mexican divorce were considered. It was found in one naturalization case that when an alien making a bona fide attempt to conduct himself within the law procured a Mexican divorce without appearing personally and then entered into a marriage in New Jersey, a denial of naturalization on the ground that the alien was not of "good moral character" would not be justified. Petition of Smith, 71 F. Supp. 968 (D. N.J. 1947); see Dickoff v. Shaughnessy, 142 F. Supp. 535 (D. N.Y. 1956). Contra, Petition of DaSilva, 140 F. Supp. 596 (D. N.J. 1956).

22. A person who is married to a citizen of the United States may become naturalized in the same way as any other alien as suggested above under section 1427, or he or she may take advantage of special naturalization exemptions that are granted to the spouse of a citizen of the United States. These exemptions fall into two classes--under section 1430(a) the alien-spouse can be naturalized three years after the marriage, having resided in the United States for one-half of that time, or under section 1430(b) the alien-spouse can be naturalized soon after the marriage upon declaration in good faith that he or she intends to reside abroad with the citizen-spouse, and then reside in the United States when the citizen-spouse returns. From past experience this office knows that the Naturalization Service will not, at least in the case involving a "mail order" Mexican divorce, permit naturalization of the alien-spouse under either of the above two special naturalization exemptions. Naturalization, therefore, can take place only after five years of continuous residence in the United States prior to application. Thus, when the citizen-employee spouse is subject to assignment abroad, an undesirable situation arises.

23. Pursuant to Agency regulations an employee, prior to STATINTL marrying a foreign national, must receive the approval of the Director for retention of his employment status. [redacted] The procedure requires the employee to submit his resignation concurrent with the request for retention of employment status. As a result of a current case involving approval of retention of employment status following marriage to a foreign national, it is proposed that the following requirement be exacted in future cases seeking such approval: If the employee has previously been married, the Office of Personnel should ascertain how, where and when the prior marriage was dissolved. If dissolved by a foreign divorce decree, the case should be referred to the Office of General Counsel for an advisory opinion based upon the facts of the particular case. The purpose of this opinion will be to point out problems

created by the particular foreign divorce decree and will constitute additional information which the approving authority can take into consideration in determining whether to approve retention of employment status or accept the employee's resignation.

24. While an employee need not seek approval to retain employment prior to marrying a U. S. citizen, Agency regulations require that the employee subsequently submit information concerning the new spouse, which is reviewed for security purposes. HR [redacted]. It is suggested that the same procedure as outlined in paragraph 23 above be followed in these cases.

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25. There are probably other problems created by the Mexican divorce that have not been raised here. One that comes to mind is the tax treatment accorded the divorced parties--both income and federal estate tax treatment. Sufficient existing and potential pitfalls have been raised, however, to make the point.

26. In summation, the foreign divorce decree, in particular the Mexican divorce, is fraught with a host of unfavorable consequences which continue even after the death of the party or parties to the divorce. In the first instance, there is the prospect of outside litigation or prosecution for reasons totally unrelated to any benefits derived from Government employment. In the second instance, the Agency employee who remarries is confronted with the loss of increased allowances on account of such marital relationship. With regard to this particular problem the undersigned has, in paragraph 12, raised certain questions and suggested some answers. In the third instance, there is raised the problem of who is entitled to the employee-decedent's death benefits as surviving spouse. Due to the substantial nature of death benefits and the ever present possibility of dual claims to those benefits, it is suggested that the Comptroller General Decision cited in paragraph 13 is binding upon the Agency in those cases where it administers or assists in administering the benefits. Therefore, in any case where the employee-decedent was a party to a Mexican divorce, it is suggested that the assistance and guidance of this office be sought prior to the submission of any claim for, or the actual payment of any death benefits. Finally, there are the problems associated

with the immigration and naturalization of an alien-spouse of an employee who has received a foreign divorce decree to dissolve a prior marriage. The undersigned has proposed a new procedure to be applied in situations where an employee seeks prior approval to retain employment status after marriage to a foreign national and also when submitting information concerning marriage to a U. S. citizen, as set forth in paragraphs 22 and 23, respectively.

27. We remain at your disposal and offer our continued assistance in this matter.

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[redacted]
Office of General Counsel

cc: EA/Ex. Dir.-Compt.
DDS
D/Fin
C/Audit Staff
DD/Pers-SP

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OFFICIAL ROUTING SLIP

TO	NAME AND ADDRESS	DATE	INITIALS
1	Director of Personnel FX-2		
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	ACTION		DIRECT REPLY		PREPARE REPLY
	APPROVAL		DISPATCH		RECOMMENDATION
	COMMENT		FILE		RETURN
	CONCURRENCE		INFORMATION		SIGNATURE

Remarks:

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FROM: NAME, ADDRESS AND PHONE NO.		DATE
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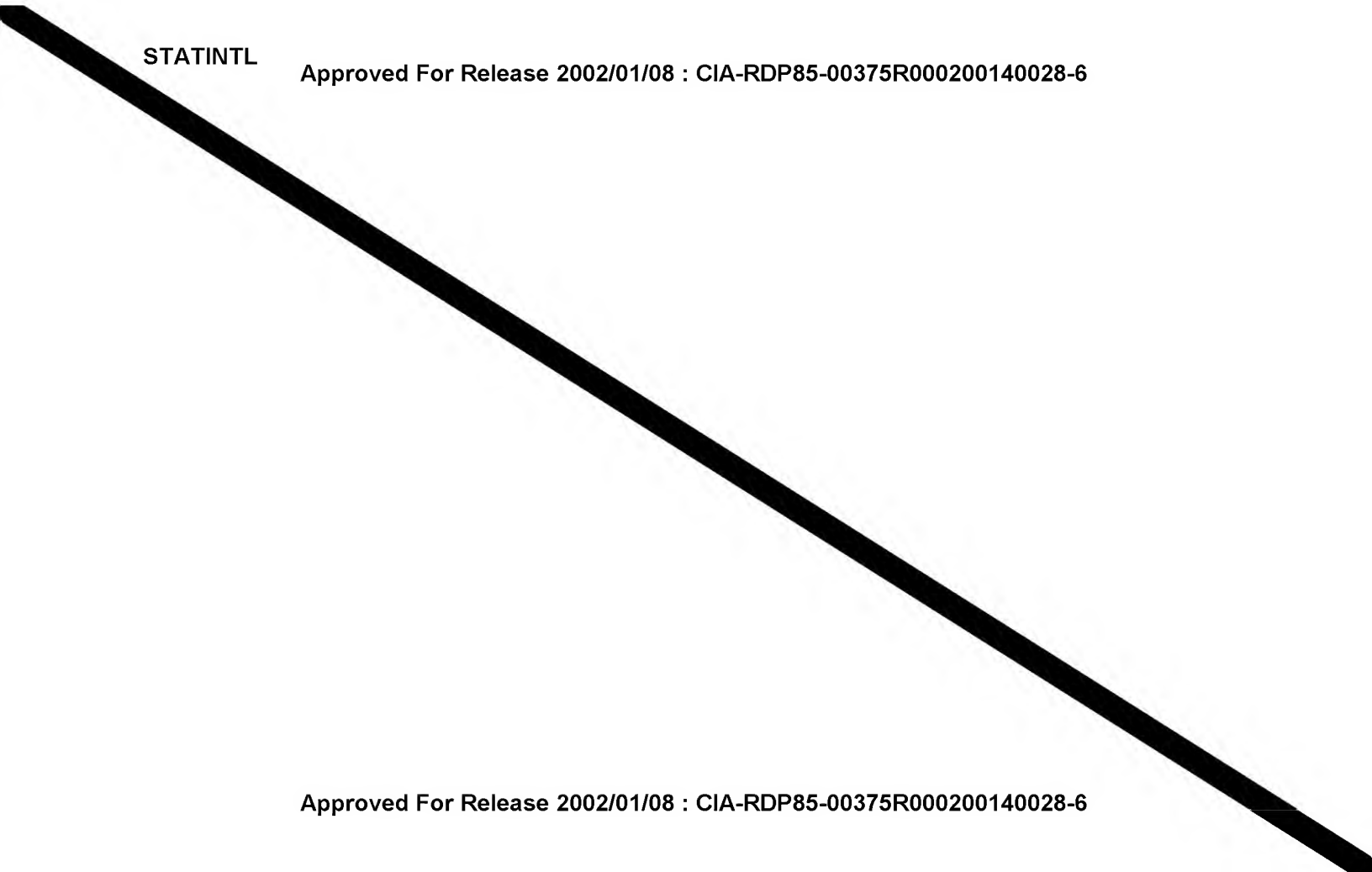

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON, D.C. 20548

B-166987

June 16, 1969

Mrs. Catherine I. Fountain
c/o Dougherty, Law and Phillips
Attorneys at Law
Rancho Silverado West
425 West Fourth Street
Tustin, California 92680

Dear Mrs. Fountain:

Reference is made to letter dated May 1, 1969, written in your behalf by Mr. Gerald J. Phillips, attorney-at-law, concerning a settlement of our Claims Division dated April 16, 1969, which disallowed your claim for six months' death gratuity as surviving spouse of Staff Sergeant Mack Donald Fountain, 1070295, U.S. Marine Corps.

The record indicates that you were married to the decedent at Las Vegas, Nevada, on November 1, 1968. Your claim was disallowed by settlement dated April 16, 1969, for the reason that the decedent had entered into a prior marriage with Ethel Lois Fountain and she was granted a divorce from him on April 19, 1965, in Juarez, Chihuahua, Mexico.

In the settlement it was explained that since as a general rule, the State courts in the United States have not recognized the validity of Mexican divorces, it is the general policy of our Office in cases where a prior marriage of a member of the uniformed services has been the subject of a Mexican divorce, and he subsequently remarries, to require a judicial determination of the validity of the marriage before approving payment of military allowances or death gratuity incident to such marriages.

In his letter Mr. Phillips says that you have consulted him on your claim for the gratuity and that you are under the impression from our Office letter of April 16, 1969, that a court in the State of California will declare the Mexican divorce your late husband's first wife obtained to be valid in the State of California. Mr. Phillips doubts this and it seems to be his view that your claim should be allowed on the basis of the present record.

In this connection, Mr. Phillips says he has concluded that there is no court of competent jurisdiction in the State of California nor within any other State, that will declare such a divorce to be valid. Further, he requests that if we are familiar with any case within the State of California where such a divorce has been declared valid, he would appreciate us sending him information on the case.

Eligibility of survivors to receive the six months' death gratuity is governed by 10 U.S.C. 1477. That section (so far as applicable here) provides that such gratuity shall be paid to or for the living survivor highest on the following list: (1) surviving spouse; (2) children (including stepchildren who were part of the decedent's household at the time of his death), in equal shares; and (3) certain persons (including his parents) if designated by him.

Since you claim the gratuity as surviving spouse it must be established that a valid marriage existed between you and the decedent. It has long been held that where the validity of a second marriage is dependent upon the dissolution of the first marriage by a divorce decree of a Mexican court which has not been recognized by a court of competent jurisdiction in the United States, the validity of the marital status of the parties is too doubtful to justify approval by this Office of payment of an allowance such as here involved. See our decision of August 16, 1956, B-128267 (36 Comp. Gen. 121), copy enclosed. Also, it is a well established rule of the accounting officers of the Government that they will not allow a claim against the United States if there is substantial basis for doubt that a court of competent jurisdiction would allow the claim. See Longwill v. United States, 17 Ct. Cl. 288 and Charles v. United States, 19 Ct. Cl. 316.

It was for these reasons that our Claims Division stated in the settlement of April 16, 1969, that in cases where the prior marriage of the husband or wife has been the subject of a Mexican divorce our Office has required a judicial determination of the validity of the marriage before authorizing payment of the six months' death gratuity or other allowances incident to the marriage relationship. See decision of November 22, 1967, B-160591 (47 Comp. Gen. 286), copy herewith.

The settlement was not intended to imply that a court of the State of California would declare the Mexican divorce to be valid. It is regretted that you so understood it. In this regard see the enclosed copies of decisions of January 27, 1966, December 7, 1965, and September 23, 1965, B-156453 and decision of March 4, 1968, B-163335.

With respect to Mr. Phillip's request for information concerning a case where a Mexican divorce was declared valid by a court of competent jurisdiction in California, we invite his attention to the case of Cortis Paul Fraley and Florence Chamberlin Fraley, Plaintiffs v. Burma Elizabeth Thompson, Defendant, No. 303330 in the Superior Court of the State of California for the County of San Diego. In that case, on October 31, 1967, Judge Byron F. Lindsley, presiding in Department 21, issued judgment establishing the validity of Mexican divorce and of subsequent marriage. There is also enclosed for his information a copy of our letter of May 4, 1966, B-156453, to the Office of the Chief of Finance, Department of the Army, concerning the judicial determination in Baltimore, Maryland, of the validity of a Mexican divorce obtained by the first wife of an Army officer.

As stated above, the record before us shows that you married the decedent on November 1, 1968, after a Mexican divorce was issued on April 19, 1965, purporting to dissolve his prior marriage to Ethel Lois Fountain, who has also remarried. In these circumstances, the accounting officers of the Government may not authorize payment of the six months' gratuity to you as surviving spouse in the absence of recognition by a court of competent jurisdiction that the marriage on November 1, 1968, between you and the decedent was valid.

In addition to the authority of this Office to settle claims against the United States, your attention is invited to the jurisdiction of the Court of Claims of the United States and the United States District Courts to consider and determine civil actions arising out of claims against the United States. 28 U.S.C. 1346(2) and 1491.

Under our Office procedures, an attorney representing a claimant must submit a duly executed power of attorney or other

documentary evidence of his right to act for the claimant. Therefore, if you wish Mr. Phillips to represent you before our Office, a power of attorney authorizing him to do so should be submitted.

Very truly yours,

R. F. Keller

For the Comptroller General
of the United States